

## FACT SHEET

# AIR CARRIER ACCESS ACT OF 1986

(Effective Date April 5, 1990)

### **Who is protected by the law?**

A "qualified handicapped individual" is defined as a handicapped individual who validly obtains a ticket, comes to the airport for the flight, and meets nondiscriminatory contract of carriage requirements that apply to everyone.

### **Who is covered by the law?**

The rule applies to all U.S. air carriers providing air transportation. This does not include foreign air carriers. Indirect air carriers are not covered by certain provisions that concern the direct provision of air transportation services.

### **What is generally prohibited under the law?**

Carriers may not refuse transportation to people on the basis of disability. By Federal statute, carriers may exclude anyone from a flight if carrying the person would be inimical to the safety of the flight. If the carrier excludes persons with disabilities on safety grounds, the carrier must provide a written explanation of the decision.

Carriers may not limit the number of persons with disabilities on a flight.

Carriers may not require advance notice for individuals with disabilities. Carriers may require up to 48 hours advance notice for certain accommodations that require preparation time (e.g., respirator hook-up, transportation of a battery-powered wheelchair on a small aircraft).

Carriers may not require a person with a disability to travel with an attendant, except in certain limited circumstances. If persons with disabilities and the carrier disagree about whether these circumstances exist, that carrier may require the attendant, but the carrier may not charge for the transportation of the attendant.

Carriers may not keep anyone out of a seat on the basis of disability, or require anyone to sit in a particular seat on the basis of disability, except as an Federal Aviation Administration (FAA) safety rule requirement. FAA's final rule on exit row seating, which FAA issued at the same time as the Air Carrier Access Act (ACAA) rule, allows carriers to place in exit rows only persons who can perform a series of functions necessary in an emergency evacuation.

### **What kinds of services and accommodations are covered by the law?**

Carriers are required to provide boarding assistance, except that they need not hand-carry a person on board a small plane for which a lift, boarding chair, or other device will not work in the present state of technology. Assistance within the cabin is also required (but not extensive personal services).

Items belonging to passengers with disabilities stored in the cabin must conform to FAA carry-on baggage rules. Wheelchairs and other assistive devices have priority for in-cabin storage space over other passengers' items brought on board at the same airport, if the passenger with disabilities chooses to pre-board.

Wheelchairs and other assistive devices have priority over other items for storage in the baggage compartment.

Carriers must accept battery-powered wheelchairs, including the batteries, packaging the batteries in hazardous materials packages when necessary. The carrier provides the packaging.

Carriers may not charge for providing accommodations required by the rule, including hazardous materials packaging for batteries.

### **What is required regarding the accessibility of airports?**

Facilities at airports which carriers own or operate are required to meet the same accessibility standards that apply to federally-assisted airport operators.

### **What is required regarding the accessibility of aircraft?**

New aircraft (30 or more seats) must have movable aisle armrests on half the aisles in the aircraft.

New widebody aircraft must have accessible lavatories.

New aircraft (100 or more seats) must have priority space for storing a wheelchair in the cabin.

Within two years of the effective date, aircraft (60 or more seats) with an accessible lavatory must have an onboard wheelchair. Within two years of the effective date, for flights on aircraft (60 or more seats) that do not have accessible lavatories, passengers with disabilities who can use an inaccessible lavatory but need an onboard wheelchair to reach the lavatory can, with 48 hours' advance notice, have an onboard wheelchair on their flight.

New aircraft requirements apply to planes ordered after the effective date of the rule or delivered more than two years after the effective date. No retrofitting is required although compliance with onboard wheelchair requirements is mandatory after April 5, 1992 on existing aircraft. However, as existing planes are refurbished, accessibility features (e.g., movable armrests) must be added.

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